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**U.S. District Court  
Southern District of California (San Diego)  
CRIMINAL DOCKET FOR CASE #: 3:21-cr-00298-DMS All Defendants**

Case title: USA v. O'Brien

Date Filed: 02/19/2021

Magistrate judge case number: 3:20-mj-05019-AGS

Date Terminated: 05/21/2021

Assigned to: Chief District Judge Dana M.  
Sabraw

**Defendant (1)**

**Joseph Michael O'Brien**  
*TERMINATED: 05/21/2021*  
**18049509**

represented by **David J Zugman**  
Burcham & Zugman  
402 West Broadway  
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Email: zugman@sbcglobal.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

21:952,960 - Importation of  
Methamphetamine (Felony)  
(1)

**Disposition**

Custody of BOP for 15 months, followed  
by 3 years supervised release. No fine.  
\$100 penalty assessment

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints****Disposition**

21:952, 960 - Importation of a Controlled  
Substance (Felony)

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**Plaintiff**

USA

represented by **Amy B. Wang**  
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880 Front Street  
Suite 6293  
San Diego, CA 92101  
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Email: amy.wang@usdoj.gov  
*TERMINATED: 05/18/2021*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Jessica Schulberg**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant United States*  
*Attorney*

**Maritsa Ann Flaherty**  
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U.S. Attorney's Office Southern District of  
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*TERMINATED: 03/09/2021*  
*LEAD ATTORNEY*  
*Designation: Assistant United States*  
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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant United States Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/18/2020		Arrest of Joseph Michael O'Brien (no document attached) (mxn) [3:20-mj-05019-AGS] (Entered: 11/19/2020)
11/19/2020	<a href="#"><u>1</u></a>	COMPLAINT as to Joseph Michael O'Brien. (Attachments: # <a href="#"><u>1</u></a> Info Sheet)(mxn) [3:20-mj-05019-AGS] (Entered: 11/19/2020)
11/19/2020	2	Set/Reset Duty Hearings as to Joseph Michael O'Brien: Initial Appearance set for 11/19/2020 before Magistrate Judge Andrew G. Schopler. (no document attached) (lrc) [3:20-mj-05019-AGS] (Entered: 11/19/2020)
11/19/2020	3	Minute Entry for proceedings held before Magistrate Judge Andrew G. Schopler: Initial Appearance as to Joseph Michael O'Brien held on 11/19/2020. Defendant consents to VTC. The Court accepts oral proffer and confirms the appointment of counsel. Appointed Attorney David J Zugman (n/a)for Joseph Michael O'Brien. Bond set as to Joseph Michael O'Brien (1) \$20,000 PS secured by 1 FRRA and \$2,000 cash deposit. Preliminary Hearing set for 12/03/20 at 9:30am before Magistrate Judge Andrew G. Schopler. Arraignment set for 12/17/20 at 9:30am before Magistrate Judge Andrew G. Schopler. Rule 5 advisement provided. (CD# 11/19/2020 AGS 20-1:3:00-3:09). (Plaintiff Attorney Courtney Strange AUSA). (Defendant Attorney Chelsea Estes FD-S/A, Brittany Sherron FD-S/A). (aje) [3:20-mj-05019-AGS] (Entered: 11/20/2020)
11/19/2020	4	***English. No Interpreter needed as to Joseph Michael O'Brien (no document attached) (aje) [3:20-mj-05019-AGS] (Entered: 11/20/2020)
11/19/2020	<a href="#"><u>5</u></a>	ORDER as to Joseph Michael O'Brien: The Court orders the United States to comply with the continuing duty to disclose evidence which is favorable to the defendant as required by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny. Upon finding that the government has failed to comply with this order, the Court may, as appropriate, order the production of such information, grant a continuance, impose evidentiary sanctions, or, in extreme cases, dismiss charges. Signed by Magistrate Judge Andrew G. Schopler on 11/19/20. (aje) [3:20-mj-05019-AGS] (Entered: 11/20/2020)
11/19/2020	<a href="#"><u>8</u></a>	ORDER Setting Conditions of Release. Bond set for Joseph Michael O'Brien (1) \$20,000 P/S. Signed by Magistrate Judge Andrew G. Schopler on 11/19/2020. (zda)(jrd) [3:20-mj-05019-AGS] (Entered: 11/23/2020)
11/19/2020	<a href="#"><u>9</u></a>	CJA 23 Financial Affidavit by Joseph Michael O'Brien.(zda)(jrd) [3:20-mj-05019-AGS] (Entered: 11/23/2020)
11/22/2020	<a href="#"><u>6</u></a>	NOTICE OF ATTORNEY APPEARANCE Patrick C. Swan appearing for USA. (Swan, Patrick)Attorney Patrick C. Swan added to party USA(pty:pla) (jcj). [3:20-mj-05019-AGS] (Entered: 11/22/2020)
11/23/2020	<a href="#"><u>7</u></a>	Order on Stipulated Continuance of a Preliminary Hearing as to Joseph Michael O'Brien. Preliminary Hearing continued to 12/17/2020 at 9:30 AM before Magistrate

		Judge Andrew G. Schopler. Signed by Magistrate Judge Andrew G. Schopler on 11/23/2020. (yeb) [3:20-mj-05019-AGS] (Entered: 11/23/2020)
12/14/2020	10	Minute Order (AGS) as to Joseph Michael O'Brien. Due to the COVID-19 National pandemic, and in compliance with Chief Judge Burns order 52, the Arraignment/Preliminary Hearing is continued to 1/12/2021 at 9:00 AM before Magistrate Judge Andrew G. Schopler. Excludable(s) started as to Joseph Michael O'Brien: XT - Continuances granted XT (12/8/2020-1/12/2021) - Interest of Justice. (no document attached) (yeb) [3:20-mj-05019-AGS] (Entered: 12/14/2020)
12/14/2020	<a href="#">11</a>	NOTICE of Lodgment of Information by USA (Swan, Patrick) (jcj). [3:20-mj-05019-AGS] (Entered: 12/14/2020)
12/15/2020	12	NOTICE of Judge Assignment ( re <a href="#">11</a> Lodged Information): District Judge Dana M. Sabraw is assigned. Case Number 20-cr-03930 DMS. (no document attached) (jcj) Modified on 2/8/2021 - New 2021 Case Number: 21-cr-00298 DMS (jcj). [3:20-mj-05019-AGS] (Entered: 12/15/2020)
12/22/2020	<a href="#">13</a>	NOTICE OF ATTORNEY APPEARANCE Amy B. Wang appearing for USA. <i>Removing AUSA Patrick Swan</i> (Wang, Amy)Attorney Amy B. Wang added to party USA(pty:pla) (zda). [3:20-mj-05019-AGS] (Entered: 12/22/2020)
01/05/2021	<a href="#">14</a>	ORDER AND FINDINGS OF FACT (COVID-19) as to Joseph Michael O'Brien. The Arraignment/Preliminary Hearing is reset for 1/19/2021 at 2:00 PM before Magistrate Judge Andrew G. Schopler. Excludable(s) started as to Joseph Michael O'Brien: XT - Continuances granted XT (12/7/2020-1/19/2021) - Interest of Justice. Signed by Magistrate Judge Andrew G. Schopler on 12/28/2020. (yeb) [3:20-mj-05019-AGS] (Entered: 01/05/2021)
01/15/2021	15	NOTICE OF CHANGE OF HEARING as to Defendant Joseph Michael O'Brien. Due to the National Global pandemic and in compliance with Cheif Judge Burns order 52-C, the Preliminary Hearing/Arraignment is continued to 2/9/2021 at 9:00 AM before Magistrate Judge Andrew G. Schopler. (yeb) [3:20-mj-05019-AGS] (Entered: 01/15/2021)
01/15/2021	<a href="#">16</a>	NOTICE of Lodgment of Plea Agreement by USA <i>and Rule 11</i> (Wang, Amy) (mcb). [3:20-mj-05019-AGS] (Entered: 01/15/2021)
02/04/2021	17	NOTICE OF CHANGE OF HEARING as to Defendant Joseph Michael O'Brien. Pursuant to Chief Judge Order 59, Arraignment AND Preliminary Hearing set for 2/18/2021 09:30 AM before Magistrate Judge Barbara Lynn Major. (ecf) [3:20-mj-05019-AGS] (Entered: 02/04/2021)
02/05/2021	<a href="#">18</a>	ORDER AND FINDINGS OF FACT (COVID-19) as to Joseph Michael O'Brien. Excludable started: XT 12/7/2020 to 2/18/2021. Signed by Magistrate Judge Barbara Lynn Major on 2/5/2021. (sjt) [3:20-mj-05019-AGS] (Entered: 02/05/2021)
02/11/2021	19	NOTICE OF CHANGE OF HEARING as to Defendant Joseph Michael O'Brien. On court's own motion, the hearing set for 2/18/2021 has been vacated and reset; Arraignment set for 2/19/2021 10:30 AM before Magistrate Judge Linda Lopez. Preliminary Hearing set for 2/19/2021 10:30 AM before Magistrate Judge Linda Lopez. (rla) [3:20-mj-05019-AGS] (Entered: 02/11/2021)
02/18/2021	20	NOTICE OF CHANGE OF HEARING as to Defendant Joseph Michael O'Brien. (Time change Only) Arraignment set for 2/19/2021 10:15 AM before Magistrate Judge Linda Lopez. Preliminary Hearing set for 2/19/2021 10:15 AM before Magistrate Judge Linda

		Lopez. (rla) [3:20-mj-05019-AGS] (Entered: 02/18/2021)
02/19/2021	<a href="#">21</a>	INFORMATION as to Joseph Michael O'Brien (1) count(s) 1. (mme) (Entered: 02/19/2021)
02/19/2021	22	Minute Entry for proceedings held before Magistrate Judge Linda Lopez: Arraignment on Information as to Joseph Michael O'Brien (1) Count 1 held on 2/19/2021. Not Guilty plea entered. Defendant waived Indictment in open court. Defendant consents to proceed via VTC. Motion Hearing set for 3/26/2021 11:00 AM before Chief District Judge Dana M. Sabraw. (CD# 2/19/2021 LL21-10:25-10:35). (Plaintiff Attorney Jessica Schulberg, AUSA). (Defendant Attorney David Zugman, CJA). (rla) (Entered: 02/19/2021)
02/20/2021	<a href="#">23</a>	Notice of Government Representations Regarding Plea Agreement by USA (Wang, Amy)Attorney Amy B. Wang added to party USA(pty:pla) (mme). (Entered: 02/20/2021)
02/22/2021	24	Minute Order for VTC Plea as to Joseph Michael O'Brien, by Chief District Judge Dana M. Sabraw: The Court has been advised that the parties have reached a disposition in this matter, and a plea agreement has been lodged pursuant to which the defendant may request any sentence, including the possibility of a time-served sentence. Therefore, pursuant to the CARES Act, the Court finds that the use of videoconferencing (or teleconferencing if videoconferencing is not reasonably available) to conduct a change of plea hearing is in the interest of justice in that such procedure will allow the defendant to request a non-custodial sentence at the earliest possible date, prevent the defendant from remaining incarcerated longer than is necessary, and satisfy the objectives of sentencing under the United States Sentencing Guidelines and 18 U.S.C. 3553. The defendant has been advised by counsel and consents to the use of videoconferencing (or teleconferencing if videoconferencing is not reasonably available) to conduct their change of plea hearing. (jak) (Entered: 02/22/2021)
02/23/2021	25	NOTICE OF HEARING as to Defendant Joseph Michael O'Brien. Change of Plea Hearing set for 2/25/2021 09:00 AM before Magistrate Judge Karen S. Crawford. (no document attached) (ecf) (Entered: 02/23/2021)
02/25/2021	26	Minute Entry for proceedings held before Magistrate Judge Karen S. Crawford: Change of Plea Hearing as to Joseph Michael O'Brien held on 2/25/2021. Plea Tendered by Joseph Michael O'Brien Guilty on counts 1 of the Information. Excludable(s) started as to Joseph Michael O'Brien: XK 2/25/21-5/21/21. PSR Ordered. All pending motions withdrawn; Pending hearing dates vacated. Any objections to Findings due within 14 days. Sentence With PSR set for 5/21/2021 09:00 AM before Chief District Judge Dana M. Sabraw. (CD# 2/25/2021 KSC 907-1000). (Plaintiff Attorney Amy Brammell, AUSA). (Defendant Attorney David Zugman CJA). (ecf) (Entered: 02/25/2021)
02/25/2021	<a href="#">27</a>	FINDINGS AND RECOMMENDATION of the Magistrate Judge upon a Tendered Plea of Guilty as to Joseph Michael O'Brien: Recommending that the district judge accept the defendant's plea of guilty. Signed by Magistrate Judge Karen S. Crawford on 2/25/21. (ecf) (Entered: 02/25/2021)
02/25/2021	<a href="#">28</a>	CONSENT TO RULE 11 PLEA before Magistrate Judge Karen S. Crawford by Joseph Michael O'Brien. (ecf) (Entered: 02/25/2021)
02/25/2021	<a href="#">29</a>	PLEA AGREEMENT as to Joseph Michael O'Brien (ecf) (Entered: 02/25/2021)

03/02/2021	<a href="#">30</a>	*WITHDRAWN PER ECF #32*NOTICE OF ATTORNEY APPEARANCE Maritsa Ann Flaherty appearing for USA. (Flaherty, Maritsa)Attorney Maritsa Ann Flaherty added to party USA(pty:pla) (mme). Modified on 3/9/2021 to reflect document withdrawn (mme). (Entered: 03/02/2021)
03/03/2021	<a href="#">31</a>	NOTICE OF ATTORNEY APPEARANCE Jessica Schulberg appearing for USA. <i>Replacing Amy Wang</i> (Schulberg, Jessica)Attorney Jessica Schulberg added to party USA(pty:pla) (mme). (Entered: 03/03/2021)
03/09/2021	<a href="#">32</a>	NOTICE <i>withdrawal of attorney appearance</i> by USA re <a href="#">30</a> Notice of Attorney Appearance - USA (Flaherty, Maritsa) (mme). (Entered: 03/09/2021)
03/12/2021	<a href="#">33</a>	ORDER ACCEPTING GUILTY PLEA as to count 1 of the Information, as to Joseph Michael O'Brien, adopting <a href="#">27</a> Findings and Recommendation. (jak) (Entered: 03/12/2021)
04/14/2021	<a href="#">34</a>	PRE-SENTENCE REPORT as to Joseph Michael O'Brien. Report prepared by: Cameron L. Ervin. (Document applicable to USA, Joseph Michael O'Brien.) (Lara, R.) (Entered: 04/14/2021)
05/05/2021	<a href="#">35</a>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Joseph Michael O'Brien (Zugman, David) (ag). (Entered: 05/05/2021)
05/13/2021	<a href="#">36</a>	SENTENCING MEMORANDUM by Joseph Michael O'Brien (Zugman, David) (mme). (Entered: 05/13/2021)
05/13/2021	<a href="#">37</a>	SENTENCING SUMMARY CHART by Joseph Michael O'Brien (Zugman, David) (mme). (Entered: 05/13/2021)
05/14/2021	38	NOTICE OF CHANGE OF HEARING as to Defendant Joseph Michael O'Brien. (Time Change Only). Sentence With PSR set for 5/21/2021 10:30 AM in Courtroom 13A before Chief District Judge Dana M. Sabraw. (jak) (Entered: 05/14/2021)
05/14/2021	<a href="#">39</a>	RESPONSE IN OPPOSITION TO PSR OBJECTIONS by USA as to Joseph Michael O'Brien re <a href="#">35</a> Objection to Presentence Investigation Report (Schulberg, Jessica) (jmo). (Entered: 05/14/2021)
05/14/2021	<a href="#">40</a>	SENTENCING SUMMARY CHART by USA as to Joseph Michael O'Brien (Schulberg, Jessica)(jmo). (Entered: 05/14/2021)
05/17/2021	<a href="#">41</a>	ADDENDUM TO PRE-SENTENCE REPORT as to Joseph Michael O'Brien. Report prepared by: Cameron L. Ervin. (Document applicable to USA, Joseph Michael O'Brien.) (Lara, R.) (Entered: 05/17/2021)
05/17/2021	<a href="#">42</a>	Supplemental Sentencing Document: Reply to Opposition to PSR Objections by Joseph Michael O'Brien, re <a href="#">39</a> Response in Opposition to PSR Objections (Zugman, David) (mme). (Entered: 05/17/2021)
05/17/2021	<a href="#">43</a>	Sentencing Document: Character Letter by Joseph Michael O'Brien (Zugman, David) (mme). (Entered: 05/17/2021)
05/20/2021	<a href="#">44</a>	Sentencing Document: Letter from twin brother by Joseph Michael O'Brien (Zugman, David) (mme). (Entered: 05/20/2021)
05/21/2021	45	Minute Entry for proceedings held before Chief District Judge Dana M. Sabraw: Sentence With PSR Hearing held on 5/21/2021 for Joseph Michael O'Brien (1). Count 1: Custody of BOP for 15 months, followed by 3 years supervised release. No fine.



		\$100 penalty assessment. (Court Reporter/ECR Lee Ann Pence). (Plaintiff Attorney AUSA Jessica Schulberg). (Defendant Attorney David Zugman CJA). (no document attached) (jak) (Entered: 05/21/2021)
05/21/2021	<a href="#">46</a>	JUDGMENT as to Joseph Michael O'Brien (1), Count(s) 1, Custody of BOP for 15 months, followed by 3 years supervised release. No fine. \$100 penalty assessment. Signed by Chief District Judge Dana M. Sabraw.(mme) (jrd) (Entered: 05/21/2021)